IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13469 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ASHOK RADHAKISHAN MUDALIYAR

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR SAMIR DAVE, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Challenge has been made by petitioner in this petition who is detained under the Prevention of Antisocial Activities Act, 1985 (hereinafter referred to as `Act') as a `dangerous person' to the order of the Commissioner of Police, Ahmedabad, dated 9.8.2000 passed

in exercise of powers conferred under Section 3(2) of the Act.

#. This matter also exhibits clear example that the detention order of the petitioner is nothing but only a statistical data and deliberately, lacunas have been left out in the order so that he may get himself released by this court.

#. The learned counsel or the petitioner raised manifold contentions challenging the order impugned in this special civil application of the detaining authority, but as this matter deserves acceptance only on one ground, no need to refer, discuss and give finding on all other contentions. This course is adopted otherwise to save precious and valuable time of the court which is facing serious problem of overcoming pending matters.

#. It is not in dispute that on 8th August, 2000, statements of secret witnesses were verified by the authority and on the very next date, the order of detention has been passed. The privilege claimed under Section 9(2) of the Act is not a bonafide act on the part of the detaining authority. In fact, it is a case where the petitioner has been deprived of his valuable right of making effective representation. As this matter is squarely covered by decision of this court in the case of Kalidas Chandubhai Kahar v. State of Gujarat & Ors. reported in 1993(2) GLR 1659, no further discussion on this point is necessary.

#. In the result, this petition succeeds and the same is allowed and the order of detention of the petitioner dated 9.8.2000 is quashed and set aside. The petitioner - Ashok Radhakishan Mudaliyar, the detenu, at present at Bhavnagar Jail, Bhavnagar, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)